

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Marcus G. Hamilton, et al.,

Plaintiffs,

Case No. 2:22-cv-1872

v.

Judge Michael H. Watson

**Ross Correctional Institution, et
al.,**

Magistrate Judge Vascura

Defendants.

OPINION AND ORDER

Marcus G. Hamilton and Jay E. Michael ("Plaintiffs") obtained an entry of default against defendant Scott Ahart ("Ahart") in this multi-defendant case. ECF No. 36. Plaintiffs now move for default judgment against Ahart. ECF No. 41. The other Defendants are not in default.

As the Sixth Circuit has explained:

When a default is entered against one defendant in a multi-defendant case, the preferred practice is for the court to withhold granting a default judgment until the trial of the action on the merits against the remaining defendants. If plaintiff loses on the merits, the complaint should then be dismissed against both defaulting and non-defaulting defendants.

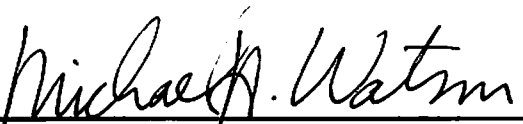
Kimberly v. Coastline Coal Corp., 857 F.2d 1474 (Table) (6th Cir. 1988) (internal quotation marks and citations omitted).

The Court sees no reason to depart from this general rule in this case. See Fed. R. Civ. P. 54(b) (providing that court may enter judgment "as to one or more, but fewer than all . . . parties only if the court expressly determines that

there is no just reason for delay.”). Accordingly, Plaintiffs’ motion for default judgment is **DENIED WITHOUT PREJUDICE**. See *Northland Ins. Co. v. Cailu Title Corp.*, 204 F.R.D. 327, 329–30 (W.D. Mich. 2000) (denying a motion for default judgment where the plaintiff sought default judgment against some, but not all, defendants).

The Clerk shall terminate ECF No. 41.

IT IS SO ORDERED.



MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT